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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AD/2R

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04/25/2014 01:45 PM

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Senator Simmons moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 61.040, Florida Statutes, is created to  
read:

61.040 Application of the law of a foreign country in  
courts relating to matters arising out of or relating to  
chapters 61 and 88.-

(1) As used in this section, the term "strong public  
policy" means public policy of sufficient importance to outweigh



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12 the policy of protecting freedom of contract.

13 (2) A court may not enforce:

14 (a) A choice of law provision in a contract selecting the  
15 law of a foreign country which contravenes strong public policy  
16 of this state or that is unjust or unreasonable.

17 (b) A forum selection clause in a contract that selects a  
18 forum in a foreign country if the clause is shown to be  
19 unreasonable or unjust or if strong public policy would prohibit  
20 the enforceability of the clause under the specific facts of the  
21 case.

22 (3) Before enforcing a judgment or order of a court of a  
23 foreign country, a court must review the judgment or order to  
24 ensure that it complies with the rule of comity. A judgment or  
25 order of a court of a foreign country is not entitled to comity  
26 if the parties were not given adequate notice and the  
27 opportunity to be heard, the foreign court did not have original  
28 jurisdiction, or the judgment or order of the foreign court  
29 offends the public policy of this state.

30 (4) A contract that seeks to apply the law of a foreign  
31 country is void as against the public policy of this state if it  
32 is injurious to the interest of the public or contravenes some  
33 established interest in society.

34 (5) A trial court may not dismiss an action on the grounds  
35 that a satisfactory remedy may be more conveniently sought in a  
36 foreign country unless the trial court finds in accordance with  
37 the applicable rules of civil procedure and this section, that  
38 an adequate alternate forum exists.

39 (6) This section applies only to matters governed by or  
40 relating to chapter 61 or chapter 88.



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41 Section 2. This act shall take effect on October 1, 2014.

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43 ===== T I T L E A M E N D M E N T =====

44 And the title is amended as follows:

45 Delete everything before the enacting clause  
46 and insert:

47 A bill to be entitled  
48 An act relating to the application of foreign law in  
49 courts; creating s. 61.040, F.S.; defining the term  
50 "strong public policy"; prohibiting a court from  
51 enforcing certain choice of law or forum selection  
52 contractual provisions; requiring a court to review  
53 judgments and orders of foreign courts for comity  
54 before enforcing such orders or judgments; specifying  
55 judgments and orders of foreign courts that are not  
56 entitled to comity; providing that certain contracts  
57 are void as against the public policy of this state;  
58 prohibiting a trial court from dismissing an action on  
59 the grounds that a satisfactory remedy may be more  
60 conveniently sought in a foreign country; providing an  
61 exception; providing applicability; providing an  
62 effective date.